

IN RE: PETITION FOR ZONING VARIANCE  
N/S Joppa Road, 350' SE of the  
c/l of Morningside Drive  
(400 W. Joppa Road)  
9th Election District  
4th Councilmanic District  
J. Taylor Lyon, Jr., et ux  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 91-332-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an existing garage height of 18.5 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Appearing as a Protes- tant in the matter was J. Brooke McCrystle.

Testimony indicated that the subject property, known as 400 W. Joppa Road, consists of 17,450 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling and detached three car garage. Petitioners com- menced construction of the subject garage after obtaining the requisite permits in December 1990. Subsequent to completion of construction, a complaint was filed with the Zoning Office as to the height of the garage and Petitioners were advised to file the instant Petition. Testimony indicated that the roof of the subject garage was pitched in such a manner as to match that of the existing dwelling. Petitioners argued to deny the relief requested would create practical difficulty for them and that grant- ing the variance would not result in any detriment to the health, safety or general welfare of the surrounding community.

J. Brooke McCrystle testified in opposition to the relief request- ed. Mr. McCrystle is generally opposed to the size and location of the subject garage.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safe- ty, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11/06 day of May, 1991 that the Petition for Zoning Variance to permit an existing garage height of 18.5 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 2 -

1) The Petitioners are hereby made aware that pro- ceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the subject garage to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facili- ties.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforce- ment Division to make an inspection of the subject property to insure compliance with this Order.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING  
Date 5/11/91  
By JRH

- 3 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 21, 1991

Mr. & Mrs. G. Taylor Lyon, Jr.  
400 W. Joppa Road  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
N/S Joppa Road, 350' SE of the c/l of Morningside Drive  
(400 W. Joppa Road)  
9th Election District - 4th Councilmanic District  
G. Taylor Lyon, Jr., et ux - Petitioners  
Case No. 91-332-A

Dear Mr. & Mrs. Lyon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavor- able, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Mr. J. Brooke McCrystle  
1517 Locust Drive, Towson, Md. 21204

People's Counsel

File

### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-332-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.3 -- To permit a garage height of 18 1/2 ft. in lieu of the maximum 15 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

When house was pitched roof and was located to match. Structurally a 18 1/2 ft. pitch is needed so 18.5 feet is needed to cover it up. On Dec 20, 1990 we received the permit to build it. Thought it was OK. After it was built we got a letter saying it was not OK. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) G. TAYLOR LYON, JR.

Signature G. Taylor Lyon Jr.

Address GRACE A. LYON

City and State Baltimore, Md.

Attorney for Petitioner: (Type or Print Name) 400 W. Joppa Rd. 825-1720

Signature Towson, Md. 21204

Address City and State

Attorney's Telephone No.: 312-2412

Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 20 day

of May, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through- out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 22 day of April, 1991, at 10 o'clock

A.M.

*J. Robert Haines*  
J. ROBERT HAINES  
Commissioner of Baltimore County

ORDER RECEIVED FOR FILING  
Date 5/11/91  
By JRH

ITEM #302

#### DESCRIPTION

Beginning on the north side of Joppa Road, 50 feet wide, at the distance of 350 feet southeast of the centerline of Morningside Drive. Not in a recorded subdivision, but containing .40 acre and known as 400 West Joppa Road in the 9th Election District.

91-332-A

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9th Date of Posting 4/2/91  
Posted for G. Taylor Lyon, Jr.  
Petitioner G. Taylor Lyon, Jr.  
Location of property 400 W. Joppa Rd. Towson, Md.  
Location of Sign 5' x 7' x 1/2" sign  
Remarks Property of Petitioner  
Posted by J. Robert Haines Date of return 4/3/91  
Number of Signs 1

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-26-91

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-20-91.

TOWSON TIMES,

*S. Zeke Orlean*  
S. Zeke Orlean  
Publisher

\$78.67

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-26-91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-20-91.

THE JEFFERSONIAN,

*S. Zeke Orlean*  
S. Zeke Orlean  
Publisher

\$78.67

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 10:00 a.m.  
Case number: 91-332-A  
N/S Joppa Road, 350' SE of c/l Morningside Drive  
400 W. Joppa Road  
9th Election District  
4th Councilmanic District  
Petitioner(s):  
G. Taylor Lyon, Jr., et ux  
Hearing Date: Monday  
April 22, 1991 at 10:00 a.m.  
Variance: to permit a garage height of 18 1/2 ft. in lieu of the maximum 15 ft.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
TTJ/LJS/158 Mar 20

receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

94404935MICRRC \$35.00  
Please Make Checks Payable To: Baltimore County 34:06901-30-91  
NEXT BUSINESS DAY

Cashier Validation

receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

94404935MICRRC \$35.00  
Please Make Checks Payable To: Baltimore County 34:06901-30-91  
NEXT BUSINESS DAY

Cashier Validation

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3553

DATE: 4/5/91

G. Taylor Lyon, Jr., et ux  
400 W. Joppa Road  
Towson, Maryland 21204

RE:  
Case Number: 91-332-A  
N/S Joppa Road, 350' SE of c/l Morningside Drive  
400 W. Joppa Road  
9th Election District - 4th Councilmanic  
Petitioner(s): G. Taylor Lyon, Jr., et ux  
HEARING: MONDAY, APRIL 22, 1991 at 10:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 103.67 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: Gary Lyon

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3553

March 1, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-332-A  
N/S Joppa Road, 350' SE of c/l Morningside Drive  
400 W. Joppa Road  
9th Election District - 4th Councilmanic  
Petitioner(s): G. Taylor Lyon, Jr., et ux  
HEARING: MONDAY, APRIL 22, 1991 at 10:00 a.m.

Variance to permit a garage height of 18-1/2 ft. in lieu of the maximum 15 ft.

J. Robert Haines  
Zoning Commissioner of  
Baltimore County

cc: G. Taylor Lyon, Jr., et ux  
Gary Lyon

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3553

April 3, 1991

Mr. & Mrs. G. Taylor Lyon, Jr.  
400 W. Joppa Road  
Towson, MD 21204

RE: Item No. 302, Case No. 91-332-A  
Petitioner: G. Taylor Lyon, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Lyon:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3553

Your petition has been received and accepted for filing this 20th day of February, 1991.

J. Robert Haines  
ZONING COMMISSIONER

Received By:  
James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: G. Taylor Lyon, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: February 20, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: G. Taylor Lyon, Jr., Item No. 302

In reference to the petitioner's requested variance, staff offers the following comment:

This office has no objection to the requested variance. However, a restriction should be placed in the Order prohibiting any living quarters, kitchen or bathroom facilities in the garage.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM302/ZAC1

received  
2/21/91

Baltimore County Government  
Department of Public Works  
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405  
Towson, MD 21204 887-3554  
Fax 887-5784

February 19, 1991

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 296, 299, 300, 302, 305, 307, 310, 312, 313, 314, 315, and 317.

Very truly yours,  
Michael S. Flanigan  
Traffic Engineer Associate II

received  
3/7/91

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21204-5500 (800) 887-1500

MARCH 7, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: G. TAYLOR LYON, JR.  
Location: 400 W. JOPPA ROAD  
Item No.: 302 Zoning Agency: FEBRUARY 15, 1991

Gentlemen:

Pursuant to your request, the referenced property has been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

RECEIVED: Capt. James E. Dyer 2-27-91 APPROVED: Captain W. F. Brady 3-7-91  
Fire Prevention Bureau

JE/EEF

received  
3/7/91

PROTESTANT(S) SIGN-IN SHEET

NAME \_\_\_\_\_

**ADDRESS**

ADDRESS  
1511 Locust Ave  
Berks. MO. 21204

**PETITIONER'S EXHIBIT 1**

McCLINTON PROPERTY  
N 34° 13' E 172'  
McCLINTON PROPERTY

OF TOWSON METHODIST CHURCH  
N 47° 43' W 100'

Front Garage  
30' x 36' - 185' High  
New Repaired Structure 55'

2 1/2 Story Frame Dwelling  
#400 West Joppa Road  
Porch  
Front

181'  
223'  
389'  
34.8'

5 52° 37' 30" E 100'

179' Bar

(TAD) 400  
Subject Property  
Sgt. D  
Vicinity map  
Location Information  
Elevation  
District: 9, C-4  
Price: 7

Sewage Public Side  
water ☒ ☐

OWNER  
C. FRICKER CRUZ, JR.  
400 W JOPPA RD.  
TOWSON, MD.  
21204

1" = 20'  
17,450 sq. ft.  
± Acres  
Zoning: OX 5.5

Comp strip of dwelling

garage  
18.5'  
grade

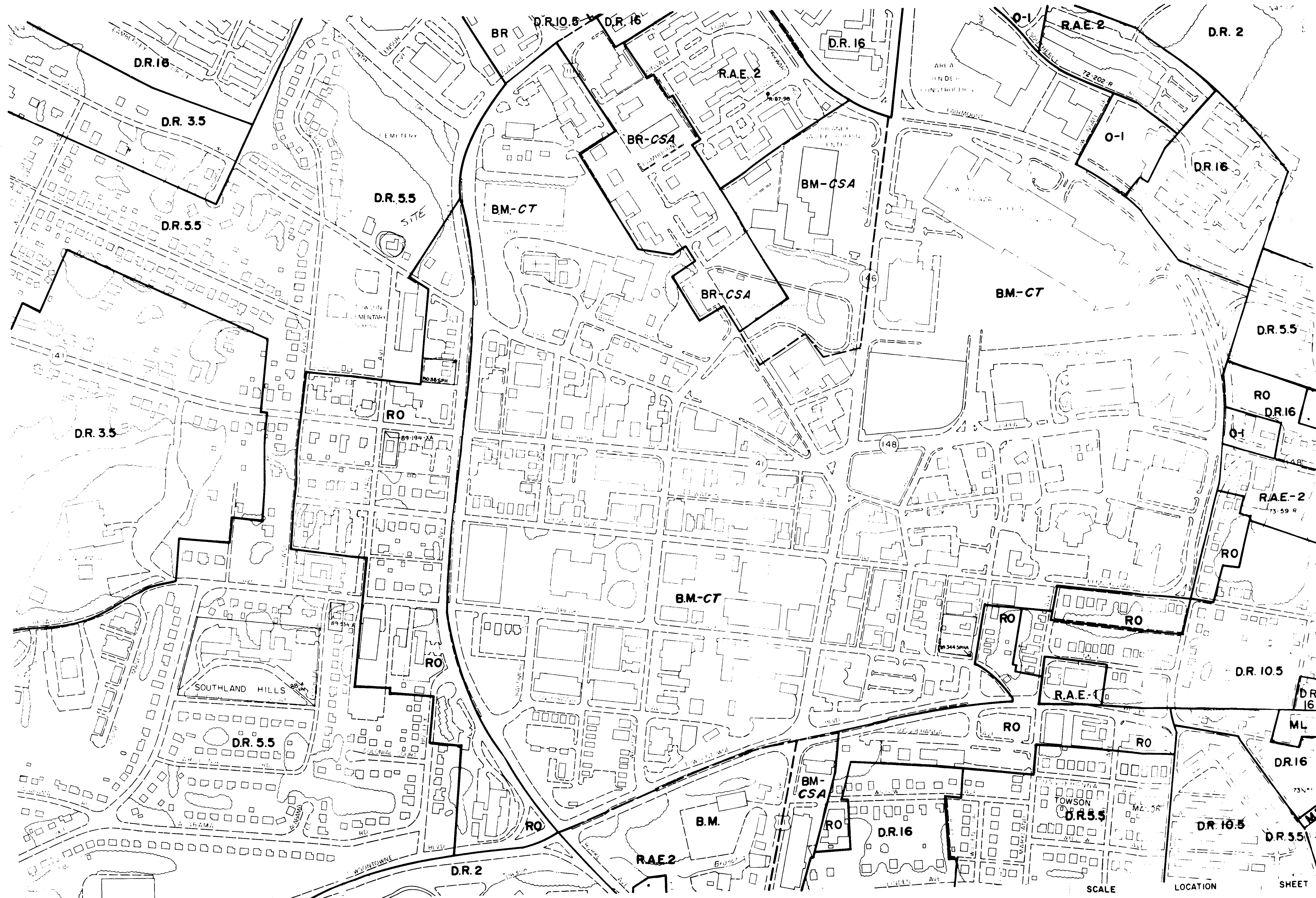
Elevation Detail  
(not to scale)

91-332-A  
JOPPA ROAD (50' R/W) #302  
FLAT FOR ZOVING VARIANCE

PETITIONER(S) EXHIBIT ( 2 )







O-NE N-NW  
S-SE R-SW

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1988  
BM Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE  
1" = 200'

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

TOWSON

SHEET

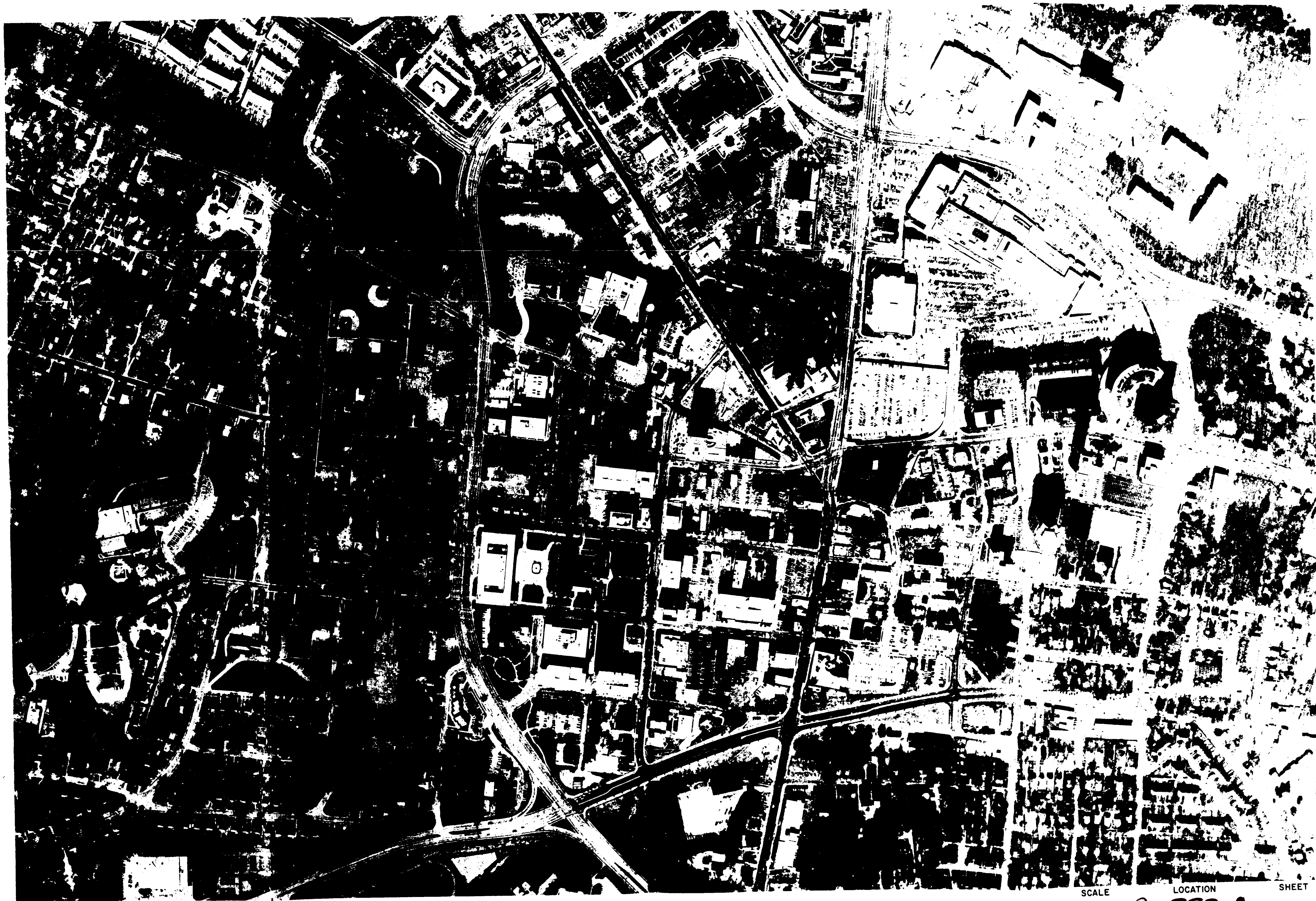
10-A

91-332-A

# 362

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210





— SITE

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W V 25401

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

91-332-A

TOWSON

#302

SHEET

N.E.  
10-A